

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE ENROLLED ACT No. 1083

AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 33-4-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The Shelby circuit court has concurrent, coordinate, and coextensive jurisdiction with the Shelby superior court in the following:

- (1) All civil actions and proceedings, at law or in equity.
- (2) Divorce and special statutory proceedings and actions.
- (3) Probate matters and proceedings.
- (4) Actions by and against administrators, executors, guardians, trustees, and other fiduciaries and personal representatives, including will contests, actions to resist probate of wills, and claims against estates.
- (5) Criminal proceedings, actions and matters.

(b) The Shelby circuit court has concurrent, coordinate, and coextensive jurisdiction with the Shelby superior court in all actions and proceedings, at law or in equity, whether criminal, civil, divorce, or other statutory matters, that are venued from other counties and from any courts in other counties in Indiana.

(c) The Shelby circuit court ~~does not have~~ **has concurrent, coordinate, and coextensive** jurisdiction ~~to file, hear, and determine juvenile proceedings or actions or other matters cognizable in the juvenile courts in Indiana. All juvenile jurisdiction is vested exclusively in the Shelby superior court.~~ **with Shelby superior court**

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No. 1 in juvenile matters and proceedings.

(d) The Shelby circuit court has concurrent, coordinate, and coextensive jurisdiction with the superior court of the county in all civil, criminal, and statutory actions and proceedings appealed from the board of commissioners, and any other board, inferior court, commission, agency, or officer in the county.

(e) In the exercise of its criminal jurisdiction, the circuit court may issue search warrants and warrants for arrest and any other legal process and find and determine all matters and facts necessary to the validity of warrants or other process under the Constitution of the United States, the Constitution of the State of Indiana, and the laws of this state.

(f) The circuit court has concurrent and coextensive jurisdiction with the superior court in any and all other matters, proceedings, acts, powers, and duties that are proper to be filed, tried, and determined in circuit courts and superior courts of general jurisdiction and are not specifically mentioned in this section.

SECTION 2. IC 33-4-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. A senior judge:

- (1) exercises the jurisdiction granted to the court served by the senior judge;
- (2) **may serve as a domestic relations mediator, subject to the code of judicial conduct;**
- (3) serves at the pleasure of the supreme court; and
- ~~(3)~~ (4) serves in accordance with rules adopted by the supreme court under IC 33-2-1-8.

SECTION 3. IC 33-5-39-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The courts have the same jurisdiction as the Shelby circuit court, except that **only** Shelby superior court No. 1 has ~~exclusive juvenile jurisdiction in the county~~: **concurrent, coordinate, and coextensive jurisdiction with the Shelby circuit court in juvenile matters and proceedings.**

(b) Shelby superior court No. 2 has a standard small claims and misdemeanor division.

SECTION 4. IC 33-5-44.1-1, AS AMENDED BY P.L.45-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. There is hereby established a superior court in Vigo County, Indiana, which court shall consist of ~~four (4)~~ **five (5)** judges who shall hold their office for six (6) years if they behave well and until their successors have been elected and qualified. In addition to the ~~four (4)~~ **five (5)** judges, the judge of the Vigo circuit court may sit as a judge of said Vigo superior court as provided in this

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chapter.

SECTION 5. P.L.107-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: SECTION 2. (a) This SECTION applies to the circuit and superior courts of a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000) in which dissolution of marriage actions are filed.

(b) Notwithstanding IC 33-19-5-4, if a county meets the requirements of this SECTION, the clerk of the court shall collect from the party filing a **petition for legal separation, paternity, or** dissolution of marriage action under IC 31 after December 31, 1997, a civil costs fee of one hundred ~~twenty~~ **twenty-four** dollars ~~(\$120)~~. **(\$124)**. Within thirty (30) days after the clerk collects a fee, the clerk shall forward to the county auditor the difference between the fees collected under this subsection and the fees that would have been collected under IC 33-19-5-4. The county auditor shall deposit the fees forwarded by the clerk under this subsection into the alternative dispute resolution fund of the court for which the fees were collected.

(c) There is established an alternative dispute resolution fund for the circuit court and an alternative dispute resolution fund for the superior court. The exclusive source of money for each fund shall be the fees collected under subsection (b) for the circuit or superior court, respectively. The funds shall be used to foster **domestic relations** alternative dispute resolution, including mediation, reconciliation, **nonbinding arbitration**, and parental counseling. Litigants referred by the court to services covered by the fund shall be required to make a copayment for the services in an amount determined by the court. The funds shall be administered by the circuit or superior court, respectively. Money in each fund at the end of a fiscal year does not revert to the county general fund, but remains in the fund for the uses specified in this subsection.

(d) A county desiring to participate in the program under this SECTION must ~~submit an initial plan to the Indiana judicial conference not later than September 30, 1997. The plan must include information concerning how the county proposes to carry out the purposes of the alternative dispute resolution fund as set out in subsection (c). The judicial conference shall determine from the plan submitted under this subsection whether to approve the county's participation in the program. operate its program in accordance with a plan submitted to the judicial conference.~~ The county may amend the plan ~~submitted under this subsection~~ at any time with the approval of the judicial conference. The judicial conference may request ~~such~~

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additional information from the county as necessary. ~~to assist in a determination under this subsection.~~

(e) A county that participates in the program under this SECTION shall submit a report to the Indiana judicial conference not later than ~~December 31, 1999;~~ **December 31 of each year**, summarizing the results of the program. ~~through 1999. The county shall submit a final report to the Indiana judicial conference not later than December 31, 2001.~~

~~(f) This SECTION expires July 1, 2002.~~

SECTION 6. [EFFECTIVE JULY 1, 2002] (a) **The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge added to the Vigo superior court by IC 33-5-44.1-1, as amended by this act.**

(b) **The term of the initial judge appointed under subsection (a) begins January 1, 2003, and ends December 31, 2004.**

(c) **The initial election of the judge of the Vigo superior court added by IC 33-5-44.1-1, as amended by this act, is the general election on November 2, 2004. The term of the initially elected judge begins January 1, 2005.**

(d) **This SECTION expires January 2, 2005.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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